
From: Rodgers, James <james.rodgers@clydeco.us>
Sent: Friday, July 11, 2025 1:31 PM
To: James Chapman
Cc: Roman, Michael; Johnson, Dawn; Murphy, Siobhan; Werner, Rachel; Cohen, Harry; Zach Jett; Mark Nanavati; Christopher Jones; W. Ryan Snow; Mackenzie Pensyl; Tressa Lucas; Nikki Ramshur; Breanna Morgan; Rodgers, James
Subject: RE: Inspection of Tug Mackenzie Rose [CC-US.980000.981028.FID1207794]

Jim,

Carver went to great lengths to make the tug available in Charleston. This included delaying operations to accommodate the inspection as well as Mike Roman's travel to Charleston. This was done after constant pressure from your office. **Then your expert does not show up.** His travel difficulties are inexcusable considering that Carver delayed getting underway from Charleston in order to accommodate Belt Line as well as Evanston. He should have travelled the night before or whatever he needed to do to ensure he was on station. Especially after such contentious communication by your office to this office. Notwithstanding that, your expert inspected the vessel that day via Zoom, so Carver made the vessel available on the scheduled day.

Whatever you decide to do in this respect, we expect that you will inform the Court that this was your expert, your firm's and Belt Line's fault, not Carver being uncooperative.

We have not consented to an additional inspection. However, we will take your "request" under advisement and discuss with Carver. Be assured that if we do permit a supplemental inspection, it will be at Carver's convenience, both operationally and geographically.

Happy to chat, as Mark likes to say.

Yours, etc,
Jim

James Rodgers
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From: James Chapman <jchapman@cwm-law.com>
Sent: Thursday, July 10, 2025 5:01 PM
To: Rodgers, James <james.rodgers@clydeco.us>
Cc: Roman, Michael <michael.roman@clydeco.us>; Johnson, Dawn <dawn.johnson@clydeco.us>; Murphy, Siobhan <siobhan.murphy@clydeco.us>; Werner, Rachel <rachel.werner@clydeco.us>; Cohen, Harry <harry.cohen@clydeco.us>; Zach Jett <zjett@butler.legal>; Mark Nanavati <mnanavati@snllaw.com>; Christopher Jones <cjones@snllaw.com>; W. Ryan Snow <wrsnow@cwm-law.com>; Mackenzie Pensyl <mpensyl@cwm-law.com>; Tressa Lucas <tlucas@cwm-law.com>; Nikki Ramshur <nramshur@cwm-law.com>; Breanna Morgan <bmorgan@cwm-law.com>
Subject: Inspection of Tug Mackenzie Rose

Jim,

As you know, our expert was unable to get to Charleston on May 9 to inspect the tug due to his flight being canceled. Since then, we were given assurances the inspection would be rescheduled, but it never happened. As a result, he was unable to inspect it before our expert reports were due. Copies of the previous requests for inspection are attached for reference.

We still need an inspection of the tug and want to inspect it in the next two weeks. We will need at least three days' notice of the location where it can be inspected. Under the circumstances, to the extent that anything learned from the inspection bears on expert opinions, it will be included in our rebuttal reports. Please let me know if this is agreeable so we can work out a date for the inspection.

Thanks,
Jim

James L. Chapman, IV

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